

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA

In re:)	Case No. 09-50779
)	
DENNIS E. HECKER,)	Chapter 7
)	
Debtor.)	Hon. Robert J. Kressel
)	
<hr style="border: 0.5px solid black;"/>		
CHRYSLER FINANCIAL SERVICES)	
AMERICAS LLC,)	
)	
Plaintiff,)	
)	
v.)	Adv. Pro. No.: 09-05019
)	
DENNIS E. HECKER,)	
)	
Defendant.)	

**SECOND DECLARATION OF NICHOLAS N. NIERENGARTEN IN SUPPORT
OF CHRYSLER FINANCIAL SERVICES AMERICAS LLC'S MOTION TO
COMPEL AND ASSOCIATED RELIEF**

I, Nicholas N. Nierengarten, declare and state as follows:

1. I am an attorney with the law firm of Gray, Plant, Mooty, Mooty & Bennett, P.A., and am one of the attorneys representing Plaintiff Chrysler Financial Services Americas LLC in the above-entitled action. This is a continuation of my declaration submitted on December 23, 2009 in support of Chrysler Financial's motion to compel discovery and associated relief. Exhibits 1-32 are identified in my earlier declaration. Accordingly, exhibits identified in this declaration start with Exhibit 33.

2. Attached hereto as Exhibit 33 is a true and correct copy of a December 30, 2009 email from Stephen F. Grinnell to Andrew Bardwell, an employee in William F. Skolnick's office, with a copy to William F. Skolnick.

3. Attached hereto as Exhibit 34 is a true and correct copy of Defendant's Supplemental Responses to Plaintiff's First Set of Requests for Production of Documents (December 31, 2009).

4. On December 31, 2009, Hecker produced approximately 100 pages of documents claimed to be responsive to Chrysler Financial's document requests. Most of these documents were attached to Chrysler Financial's pleadings in the case or otherwise already part of the court record. These are as follows: (a) seven-page November 6, 2007 letter from Hyundai Motor America to Rosedale Leasing of Minnesota LLC, which was attached to Chrysler Financial's complaint as Exhibit E; (b) seventeen-page November 7, 2007 letter from Hyundai Motor America to Walden Fleet Services II, Inc., which is attached to Chrysler Financial's complaint as G; (c) six-page November 20, 2007 letter from Hyundai Motor America to Rosedale Leasing of Minnesota LLC, which is attached to Chrysler Financial's Complaint as Exhibit H; (d) twenty-five-page Master List of Hecker Companies (Updated Oct. 1, 2008), attached to the Second Declaration of Nicholas N. Nierengarten (November 20, 2009) as Exhibit 23; (e) December 17, 2007 email attached to the Declaration of William F. Mohrman in Support of Defendant's Motion for a Stay (September 22, 2009) as Exhibit 1; and (f) November 19, 2007 email

attached to the Amended Declaration of William F. Mohrman in Support of Defendant's Motion for a Stay (September 24, 2009) as Exhibit 3.

5. Attached hereto as Exhibit 35 is a true and correct copy of a letter from Zachary M. Puchtel to me dated December 31, 2009 with attached Subpoenas Duces Tecum and deposition notices for three (3) former employees of Hecker's companies: Barbara Jerich, Donna Rizner and Susan Miller.

6. Attached hereto as Exhibit 36 is a true and correct copy of a letter from Zachary M. Puchtel to me dated January 4, 2010 with attached Subpoenas Duces Tecum and deposition notices for three employees of Chrysler Financial: John Bowker, Mike Chumley and Tom Gilman and a January 4, 2009 letter from Zachary M. Puchtel with revised subpoenas relating to same.

7. Attached hereto as Exhibit 37 is a true and correct copy of an Amended Order issued by The Honorable Jay M. Quam on November 10, 2009 in *Hecker v. Hecker*, Hennepin County Family Court file no. 27-FA-0802731.

8. Attached hereto as Exhibit 38 is a true and correct copy of a Search Warrant dated July 29, 2009, U.S. District Court for the District of Minnesota.

9. Attached hereto as Exhibit 39 is a true and correct copy of an analysis by Chrysler Financial's vendor of Hecker's revised privilege log, with a title to the document added for convenience.

10. Attached hereto as Exhibit 40 is a true and correct copy of the Trustee's Notice of Expedited Hearing and Motion for Contempt (November 12, 2009), with attachments, Memorandum of Law in Support of Motion for Contempt (November 12, 2009) and proposed Order (Doc 304).

11. Attached hereto as Exhibit 41 is a true and correct copy of an Order issued by the Court (November 19, 2009).

12. Attached hereto as Exhibit 42 is a true and correct copy of a December 14, 2009 email from me to William F. Skolnick.

13. Attached hereto as Exhibit 43 is a true and correct copy of a December 14, 2009 email from me to William F. Skolnick.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 5, 2010.



Nicholas N. Nierengarten

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